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In opposition to HB 5305
An Act Concerning Cadmium Levels in Children's Jewelry

On behalf of the children in Connecticut, the Fashion Jewelry and Accessories Trade Association (FJATA)¹ would like to submit this statement in opposition to HB 5305, which would amend An Act Banning Cadmium in Children's Jewelry, Public Act No. 10-113 (HB 5314). This legislation would change the enforcement date for prescribed cadmium content limits in children's jewelry from July 1, 2014 to July 1, 2016.

It is important to recognize that there is currently another raised bill in the CT Legislature, SB 84, which would amend the cadmium restriction in the above-mentioned public act to harmonize with the cadmium protocols established through ASTM F2923-11, the Children's Jewelry Safety Standard. This standard was developed through a consensus process that included jewelry producers, retailers, testing laboratories and consumer groups, as well as representatives from the U.S. Consumer Product Safety Commission (CPSC). ASTM F2923 addresses all known hazards for jewelry designed and intended primarily for children 12 and under, including lead, cadmium, nickel release, magnets, batteries, and other heavy metal limits. The standard specifically incorporates limits on cadmium derived from the CPSC Staff Report on Cadmium in Children's Metal Jewelry (October 2010)². This peer-reviewed report represents the most extensive review of cadmium in children's jewelry conducted to date and is considered the authority on the topic.

A Review of CPSC's Technical Research and Actions on Cadmium

When reports suggested that cadmium might be present in children's jewelry, both CPSC and FJATA began conducting tests to assess the potential for children to be exposed to harmful levels of cadmium. CPSC also received a petition requesting that it adopt a total content limit of cadmium on "toy jewelry" filed by a coalition of environmental groups in May, 2010³. In the meantime, the state of Connecticut enacted a 75 ppm total content limit before the CPSC's extensive technical work was completed, with an effective date of 2014 in anticipation that additional technical data might become available prior to the effective date.

The CPSC staff's technical report rejected a total content limit as an incorrect assessment of risk pertaining to cadmium in children's jewelry. This report on cadmium in metal and plastic components of children's jewelry establishes that a total content limit is not scientifically valid since "soluble cadmium migration is not generally

¹ FJATA's membership includes in excess of 230 companies, from large multi-national corporations to small family businesses that manufacture and distribute jewelry internationally.

² Staff Report, Cadmium in Metal Jewelry, October, 2010, attached to letter to Brent Cleaveland, Executive Director, FJATA, October 19, 2010, available at <http://www.cpsc.gov/PageFiles/115615/cadmiumjewelry.pdf>.

³ Citizen Petition Regarding Cadmium in Children's Products, Especially Toy Metal Jewelry, May 28, 2010, available at <http://www.cpsc.gov/LIBRARY/FOIA/FOIA10/petition/cadmium.pdf>.

proportional to cadmium content” and “product composition factors such as element content and coatings have a larger effect on cadmium migration than does total cadmium content.”⁴ Instead, the CPSC recommended migration testing to correctly assess exposure to cadmium. It expressly urged the jewelry and toy industries to consider the agency’s technical input and recommended migration testing on separate ASTM standards for children’s jewelry and toys (ASTM F2923-11 and ASTM F963- 11, respectively). Notably, CPSC’s test results were consistent with test results commissioned by FJATA, which also failed to show a reliable link between total cadmium content and migration⁵.

The children’s jewelry safety standard, ASTM F2923-11, adopted the CPSC’s recommendation and adopts a total content screening limit of 300 ppm for cadmium in substrate (plastic or metal) of jewelry with a migration option. Although jewelry containing less than 1.5% cadmium was not found to have the potential for harmful exposure in CPSC’s tests, the standard adopted this lower screening limit of 300 ppm to provide added assurance that products containing this amount of cadmium would never result in adverse health effects to children. The migration standard assures that in the rare instances where items exceed the limit, migration testing would assure safety in accordance with CPSC’s research.

The ASTM F2923-11 approach to managing potential risks of cadmium exposure in children’s jewelry has the support of the CPSC. The agency, in considering whether ASTM F2923-11 would adequately address potential exposure risks to children due to cadmium in children’s jewelry, reiterated its findings, namely, that there was “no clear relationship between the extractability of cadmium from children’s metal jewelry.”⁶ CPSC staff also noted that the 300 ppm screening limit “represents a relatively low cadmium concentration that, in staff’s experience, is not expected to be associated with harmful exposure or subsequent adverse health effects.”⁷ In a bipartisan vote, the four sitting CPSC Commissioners adopted the staff’s recommendation that the standard was health-protective and was widely adhered to, and unanimously denied a petition seeking a mandatory total content limit on cadmium in “toy jewelry” in July, 2012⁸. The CPSC staff and Commissioners have recognized the scientific adequacy of the jewelry safety standard in addressing all potential risks of cadmium in children’s jewelry.

Conclusion

The CPSC Commissioners have recognized and supported the cadmium protocol authorized in the scientifically-reviewed international safety standard for children’s jewelry, ASTM F2923-11. FJATA urges Connecticut to reject HB 5305 and support SB 84, a bill that would harmonize cadmium restrictions in this state with CPSC data, as well as existing state and international requirements.

Sincerely,

Brent Cleaveland

Brent Cleaveland, Executive Director, FJATA

⁴ Memo to Kristina Hatlelid from Ian A. Elder, Assessment of Cadmium Migration from Materials, June 3, 2010, contained in CPSC Report: Cadmium in Children’s Metal Jewelry, October, 2010, p. 55. See footnote 2, *supra*.

⁵ Exponent Technical Report, Evaluation of Cadmium in Metal Jewelry, November, 2010, available at <http://www.fjata.org/wp-content/uploads/EXPONENTcadmiuminjewelryreport2011.pdf>.

⁶ Staff Briefing Package, Staff Update Petition HP 10-2 Requesting Restriction on Cadmium in Toy Jewelry, June 29, 2012, at p. 9, available at <http://www.cpsc.gov/PageFiles/91376/cadmium.pdf>.

⁷ Id at p. 9.

⁸ See Record of Commission ballot vote at <http://www.cpsc.gov/library/foia/ballot/ballot12/cadmiumpet.pdf>.